III. REMARKS

Claims 1-11 are pending in this application. By this amendment, claims 1-3 and 5-10 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claim 1 is rejected under 35 U.S.C. §112 as allegedly being indefinite. Claims 10-11 are rejected under 35 U.S.C. §101 as allegedly having nonstatuatory subject matter. Claims 1-3 and 5-9 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Colby *et al.* (U.S. Patent No. 6,449,647 B1), hereafter "Colby." Claim 4 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Colby in view of Chapman (U.S. Patent No. 6,304,552 B1), hereafter "Chapman."

A. REJECTION OF CLAIM 15 UNDER 35 U.S.C. §112

The Office asserts that claim 1 is indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 1 to remove the language "\ referring to a first table \." Applicant asserts that this amendment further clarifies the invention. Accordingly, Applicant requests that the rejection be withdrawn.

B. REJECTION OF CLAIM 15 UNDER 35 U.S.C. §101

The Office further asserts that claims 10-11 claim nonstatuatory subject matter. Applicant respectfully traverses the rejection. Applicant has amended claim 10 to recite "...A computer program product on a computer readable medium having computer readable program code..." Applicant asserts that this amendment complies with the request of the Office. Accordingly, Applicant requests that the objection be withdrawn.

C. REJECTION OF CLAIMS 1-3 and 5-9 UNDER 35 U.S.C. §102(e)

With regard to the 35 U.S.C. §102(e) rejection over Colby, Applicant asserts that Colby does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 8 and 10, Applicant submits that Colby fails to teach or suggest an Internet Protocol (IP) intranet network having a plurality of socks servers. Specifically, the content-aware flow switch in Colby intercepts all packets sent or received by a group of web servers on the Internet. Col. 5, lines 49-52. The flow switch communicates with the web servers using a network management protocol for the Internet environment, such as the Simple Network Management Protocol (SNMP). Col. 5, lines 34-41. In contrast, the present invention includes "...Internet Protocol (IP) intranet network having a plurality of socks servers." Claim 1. As such, the environment of the present invention is not the Internet as in Colby, but rather is an IP intranet network. Furthermore, the protocol utilized in the present invention is the Socks protocol, which is used to encapsulate application level traffic such as the traffic used in Colby. Thus, the Colby constant-aware flow switch does not function in the same environment or with the same protocol as the IP intranet network having a plurality of socks servers as included in the

present invention. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With further respect to independent claims 1, 8 and 10, Applicant respectfully submits that Colby also fails to teach or suggest selecting a socks server solely on the basis of the retrieved TOS value. The content-aware flow switch in Colby forwards packets to and from the web servers based on a number of different factors, including the destination addresses, transport layer protocol, and transport layer source and destination port number. Col. 6, lines 18-21. Furthermore, when the Colby content-aware flow switch does use the nature of the requested content to forward the packets, it attempts to determine the content by parsing the Universal Resource Indicator (URI) of the Internet client request. Col. 9, lines 6-8. The present invention, in contrast, includes "...selecting a socks server solely on the basis of the retrieved TOS value." Claim 21. As such, the selecting step as included in the current invention does not utilize other factors such as those listed in Colby, but instead solely selects a socks server on the basis of the retrieved TOS value. Furthermore, the TOS value that is retrieved in the present invention is a value that is unique to the socks protocol, not a generic URI as in Colby. For the above reasons, the forwarding of packets using a variety of factors of Colby is not equivalent to the selecting a socks server solely on the basis of the retrieved TOS value as included in the present invention. Accordingly, Applicant requests that the rejection be withdrawn.

With respect to dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims from which the dependent claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own

distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

D. REJECTION OF CLAIM 4 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection over Colby in view of Chapman, Applicant submits that the combined features of the cited art fail to teach each and every feature of the claimed invention. For example, with respect to independent claim 4, Chapman fails to teach or suggest discarding in said one or plurality of output queues IP datagrams having the lowest priority until there is no more congestion. Chapman includes a packet discard mechanism. Col. 12, lines 62-65; FIG. 9. This Chapman discard mechanism checks the queue for congestion. Col. 13, lines 12-14; FIG. 9, item 908. If the queue is congested, the Chapman discard mechanism discards all arriving packets with a priority of LO. Col. 13, lines 18-19; FIG. 9, item 912. Chapman, however, does not discard any packets that are already in the queue. In contrast, the present invention includes "...discarding in said one or plurality of output queues IP datagrams having the lowest priority until there is no more congestion." Claim 1. That is, the present invention relieves the congestion in the output queues by discarding the lowest priority IP datagrams that are currently in the output queues. This is not equivalent to the Chapman discard mechanism that only discards arriving packets. Thus, the discard mechanism in Chapman is not equivalent to the discarding step as included in the present invention. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In

addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

VI. CONCLUSION

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

Date: September 15, 2004

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